

AS

Notice of Allowability	Application No.	Applicant(s)	
	09/774,328	DEGAND ET AL.	
	Examiner	Art Unit	
	Michael J Feely	1712	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to preliminary amendment filed on 1/31/01.
2. ☒ The allowed claim(s) is/are 14-37.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 31 July 1998. It is noted, however, that applicant has not filed a certified copy of the French application (FR 98/09826) as required by 35 U.S.C. 119(b).

Allowable Subject Matter

2. Claims 14-37 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Independent claim 14 is drawn to an ophthalmic lens, and independent claim 28 is drawn to a method for manufacturing an ophthalmic lens. In each of the independent claims, the ophthalmic lens features: a) an organic glass substrate;

- b) at least one impact-resistant primer formed from a latex composition comprising at least one polyurethane latex and at least one polyurethane crosslinking agent, and is free of latex that includes butadiene units; and
- c) at least one abrasion-resistant coating;

wherein the at least one impact-resistant primer is inserted between the organic glass substrate and the at least one abrasion-resistant coating. The prior art fails to teach or suggest the article and the method of the instant invention. The closest prior art is as follows:

Degand et al. (US Pat. No. 6,489,028) disclose an ophthalmic lens featuring an organic glass substrate, at least one abrasion resistant coating, and at least one impact-resistant primer disposed between the substrate and the abrasion resistant coating (Abstract). The primer layer can feature a latex having a polyurethane lattice (column 2, lines 59-62); however, the primer

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layer also features at least one latex comprising butadiene units (Abstract). This teaches away from the instant invention, and Degand et al. provide no motivation to remove the butadiene containing latex from the primer.

Farber et al. (US Pat. No. 5,316,791) disclose an ophthalmic lens featuring a plastic substrate, at least one abrasion resistant coating, and at least one impact-resistant primer disposed between the substrate and the abrasion resistant coating (Abstract). The primer layer is a polyurethane latex composition; however, it does not include a crosslinking agent (Abstract; column 3, lines 5-14). Rather, the polyurethane, "self-crosslinks to form a thermoset, preferably transparent, film which provides a tough, resilient primer layer having strong adhesion to the plastic substrate," (column 3, lines 11-14). Farber et al. provide no motivation to add a crosslinking agent to the impact-resistant primer.

Faverolle et al. (US Pat. No. 6,503,631) disclose an ophthalmic lens featuring an organic glass substrate, at least one abrasion resistant coating, and at least one primer layer disposed between the substrate and the abrasion resistant coating (Abstract). In the working examples, a comparative example is formed using a latex primer containing a polyurethane latex with aliphatic polyester units and an acrylic/styrene latex (column 8, lines 44 and 59-62); however, a crosslinking agent is not used in this comparative example. Faverolle et al. and the other cited prior art provide no motivation to add a crosslinking agent to the primer of the comparative example.

Claims 15-27 are allowed because they are dependent from claim 14; and claims 29-37 are allowed because they are dependent from claim 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Feely whose telephone number is 571-272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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